

PATENT

Docket No. P-5370

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Alexander G. Lastovich, et al	Conf # :	6084
Serial No.:	10/649,395	Art Unit:	3763
Filing Date:	August 27, 2003	Examiner:	STIGELL, Theodore J.
Title:	Microabrader With Controlled Abrasion Features		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This document is being filed in response to the Office Action mailed August 25, 2006 in connection with the above-referenced application, which had a one-month period for response, which ends September 25, 2006. Thus, this response is timely filed.

The Examiner asserts that the application define eight separate Species, identified as Species A (Figures 1-2), Species B (Figure 7A-7E), Species C (Figure 8A-8B), Species D (Figure 9), Species E (Figure 10A-10C), Species F (Figure 10D), Species G (Figure 10E), and Species H (Figure 11A-11B). **The Examiner has stated that Claim 1 is Generic.**

Provisional Election and Traversal

The Examiner has requested an election to species of the subject matter specified in thirteen figures. The alleged Species are as follows upon which the following groups of claims are readable:

- ❖ Claim 1 is Generic, as Stated by the Examiner.
- ❖ Claims 2 is a device and readable on alleged Species B.
- ❖ Claim 7 is Generic and readable on alleged Species A-H
- ❖ Claims 8-9 are readable on alleged Species B.
- ❖ Claim 11 is readable on alleged Species B.
- ❖ Claim 18 is readable on alleged Species B.

Applicants respectfully traverse the restriction requirement with respect to Species A through H. Applicant contends Claims 1, 9, 19 and 22 would not induce an undue burden on the examiner for examination, as they are all interrelated in having aspects for controlled abrasion.

In view of the foregoing, Applicants respectfully request the Examiner withdraw the restriction requirement with respect to Species A-H and **examine all Claims 1-25**. Applicants also reserve the right to further define the invention with respect to the claims of non-elected claims, or file divisional applications directed to the non-elected claims and/or species.

Election

Should the examiner maintain the grounds for restriction, or propose an alternative ground, the Applicants **elect Claims 1-2, 7-9, 11, and 18** as embodied in **Species B** with traverse, reserving the right to amend and resubmit the Claims readable on Species A and C-H for rejoinder under MPEP 821.04 should Claim 1 or another generic claim become allowable. Applicants also reserve the right to further define the invention, or file divisional applications directed to the non-elected groups and/or species.

Applicants believe no fees are due in connection with filing this response. However, if any fees are due the Commissioner is hereby authorized to charge them to Deposit Account No. 02-1666.

Respectfully submitted,

Dated: September 25, 2006

By: /Robert E. West Reg #48,030/

Robert E. West
Reg. No. 48,030
Agent for Applicants
(201) 847-6782

BECTON, DICKINSON AND COMPANY
1 Becton Drive
Franklin Lakes, NJ 07417
Customer No. 26253
::ODMA\PCDOCS\DM5105\LIBRARY\114403\1